

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

PAUL DEMUTH,)	
)	
Plaintiff,)	CIVIL DIVISION
)	
v.)	No:
)	
NAVIENT SOLUTIONS, LCC f/k/a)	
NAVIENT SOLUTIONS, INC.,)	
)	
Defendant.)	

COMPLAINT/PETITION TO CONFIRM ARBITRATION AWARD

Pursuant to 9 U.S.C. §9, Plaintiff Paul Demuth (“Plaintiff”) respectfully files this Petition requesting that this Court confirm an arbitration award. In support of his Motion, Plaintiff states the following:

1. Plaintiff brought an action against Defendant Navient Solutions, LLC (at that time known as Navient Solutions, Inc.) (“Defendant”) on May 27, 2017, before the American Arbitration Association (“AAA”) in Pittsburgh, Pennsylvania, alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. §227, et seq. (“TCPA”). See Ex. A. Demand Letter Filed with AAA.

2. The action was brought before AAA pursuant to an arbitration agreement between Plaintiff and Defendant governed by the Federal Arbitration Act, 9 U.S.C. §1 *et seq.* (“FAA”). See Ex. B.

3. On May 11, 2017, the arbitrator issued an Opinion and Award in favor of Plaintiff for \$293,297.05. See Ex. C. Arbitrator's Opinion and Award.

4. The award is valid and enforceable.

5. This Court has subject matter jurisdiction as: (1) this arbitration was brought in private arbitration pursuant to the FAA to resolve disputed TCPA claims under federal law; and (2) R-49 of the AAA Consumer Rules provides that parties to an arbitration "have consented that judgment upon the arbitration award may be entered in any federal or state court having jurisdiction thereof." See Ex. A. and C; See 47 U.S.C §227 *et seq.*; Ex. D. R-49 of the AAA Consumer Arbitration Rules.

6. Venue is proper in this court to confirm the arbitration award, as under the Federal Arbitration Act application to confirm "may be made to the United States court in and for the district within which such award was made." See 9 U.S.C. §9.

7. Because a party to the arbitration is moving for confirmation, this Court "must grant such an order unless the award is vacated..." 9 U.S.C. §9.

WHEREFORE, Plaintiff requests that this Court grant his Motion to confirm the arbitration award.

Respectfully Submitted,

KIMMEL & SILVERMAN, P.C.

Dated: May 23, 2017

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